

DOCKET NO.: 241972US8/khi

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

GROUP: 2454

Tadao TAKAMI, et al.

SERIAL NO: 10/647,239

EXAMINER: PARK, JEONG S.

FILED: August 26, 2003

FOR: MOBILE COMMUNICATION TERMINAL, DETECTION CONDITION
DISTRIBUTION SERVER AND DETECTED MAIL NOTIFICATION
RECEIVING SERVER

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s). No more than five (5) pages are provided.

I am the attorney or agent of record.

Respectfully Submitted,

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REMARKS ACCOMPANYING PRE-APPEAL BRIEF REQUEST FOR REVIEW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Claims 1-3, 5-11 and 13-15 are pending in the present application.

In the Final Office Action of November 21, 2008, Claims 1-11, 13 and 15 were rejected under 35 U.S.C. § 103(a) as unpatentable over Paul et al. (U.S. Pat. 6,052,709, Paul) in view of He et al. (U.S. Pub. 2003/0182383, He) and Sugiura et al. (U.S. Pat. 6,052,709, Sugiura); and Claim 14 was rejected under 35 U.S.C. § 103(a) as unpatentable over He in view of Kitaura et al. (U.S. Pub. 2002/0091569, Kitaura) and Sugiura.

Applicants respectfully traverse the above noted rejections under 35 U.S.C. § 103, as independent Claims 1 and 13-15 recite novel features clearly not taught or rendered obvious by the applied references.

Independent Claim 1, for example, recites, in part, a mobile communication terminal, comprising:

... detection conditions acquisition means for acquiring detection conditions data including a letter string from a detection conditions distribution server ...

wherein ***the detection conditions acquisition means sends category information*** input at a user interface of the mobile communication terminal ***to the detection conditions distribution server***, and ***acquires detection condition data including a letter string relevant to the category indicated by the category information sent by the detection conditions distribution server***.

Independent Claims 13-15, while directed to alternative embodiments, recite similar features. Accordingly, the remarks and arguments presented below are applicable to each of independent Claims 1 and 13-15.

As described, for example, at p. 90, paragraph [0140] of the specification, the claimed configuration allows a user of the mobile communication terminal to enter category information corresponding to unwanted mail, and transmit this information to a detection conditions distribution server. The detection conditions distribution then retrieves a letter string corresponding to the category, and transmits the letter string to the mobile communications terminal, which uses the letter string to detect incoming mail.

In maintaining the rejection of the above noted claimed features, the Advisory Action of March 10, 2009 (herein, the Advisory Action) asserts that Paul discloses the feature of sending category information input at a user interface of the mobile communication terminal to the detection conditions distribution server, and acquiring detection condition data including a letter string relevant to the category indicated by the category information sent by the detection conditions distribution server, as recited in independent Claims 1 and 13-15. In support of this position, the Advisory Action cites col. 5, l. 63 – col. 6, l. 16 of Paul.

This cited portion of Paul describes that a user-terminal filtering application 200 includes an exclusion list manager 202 for creating, storing and maintaining a user exclusion list. Paul further describes that the user exclusion list includes all identification data needed to determine the status of incoming e-mail messages, and that data in the data exclusion list is

divided into categories corresponding to the fields of incoming e-mail messages, as shown in Fig. 3. Fig. 3 of Paul depicts that the fields include specific terms that are included in certain portions (i.e., “TO”, “BCC”, etc.) of incoming e-mail messages, as set by a user.

Additionally, Paul describes that the user exclusion list may be created and maintained and modified manually by the user or service provider.

Therefore, Paul, at best, describes that a user is capable of creating or editing the information included in the data exclusion list, which includes specific information related to data included in specific fields of an incoming mail message. Thus, in Paul, the user enters this information directly into the data exclusion list, and does not “*send category information input at a user interface of the mobile communication terminal to the detection conditions distribution server*” and “*acquire detection condition data including a letter string relevant to the category indicated by the category information sent by the detection conditions distribution server*”, as claimed.

Otherwise stated, Paul fails to teach or suggest that a user sends category information to the device that manages the user-terminal filtering application 200 in order to retrieve a letter string relevant to a category of mail to be detected. Instead, as discussed above, the user in Paul directly modifies the parameters included in the exclusion. The submission of such parameters to the exclusion list does not constitute *sending category information to a detection conditions distribution server*. Moreover, the result of modifying the exclusion list is not the acquisition of *detection condition data including a letter string relevant to the category indicated by the category information sent*, as claimed.

Further, none of He, Sugiura nor Kitaura, remedy the above noted deficiencies of Paul.

Application No. 10/647,239

Reply to Office Action of November 21, 2008

Accordingly, Applicants respectfully request that the rejection of independent Claims 1 (and the claims that depend therefrom) and 13-15 under 35 U.S.C. § 103 be withdrawn.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

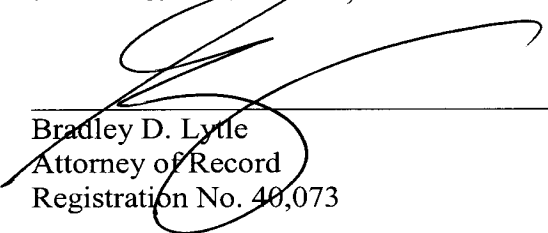
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